

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 27 2010

ROBERT D DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY ES DEPUTY

JEREMY DAVID ALLEN,

Plaintiff,

vs.

A.J. WHITE et al.,

Defendants.

No. CIV-09-1048-W

ORDER

On April 22, 2010, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this matter and addressed therein nineteen (19) motions filed by plaintiff Jeremy David Allen. Allen was advised of his right to object, and the matter now comes before the Court on Allen's Official Response to Court's Report and Recommendation file-stamped July 8, 2010.

Upon de novo review of the record, the Court concurs with Magistrate Judge Argo's suggested disposition of the motions he addressed in his Report and Recommendation.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 71] issued on April 22, 2010;

2) DENIES at this stage of the proceedings Allen's requests for appointment of counsel (Doc. 2 (Application for Counsel), Doc. 47 (Request for Attorney), and Doc. 50 (Request for Attorney));¹

¹Allen's request for an attorney also set forth in Doc. 16 is DENIED as are all other requests for appointment of counsel submitted prior to April 22, 2010, wherein Allen has sought assistance in investigating inter alia certain issues with regard to the vehicular accident in which he was involved on August 14, 2009.

(3) DENIES without prejudice Allen's requests for a temporary restraining order and/or preliminary injunction (Doc. 16 (Injunction/Motion to Halt Any Ruling), Doc. 18 (Temporary Restraining Orders/Injunctive Relief), Doc. 24 (Motion–Temporary Restraining Order), Doc. 27 (Immediate Request for Injunctive Relief/Restraining Order), Doc. 52 (Request for Temporary Restraining Order/Injunctive Relief), Doc. 53 (Request for Temporary Restraining Order/Injunctive Relief for Denying Equal Protection of Religion), Doc. 54 (Request for Court Order), Doc. 55 (Request for Court Order (seeking Kosher diet as a substitute)), Doc. 58 (Emergency Request of Court Order), and Doc. 59 (Emergency Request for Court Order)),² wherein he has complained that prison officials not only should be compelled to provide him a Mesoamerican diet that conforms with his Aztec/Santeria beliefs, but also should be compelled to make available to him various ritual items, including incense, drums, animal pelts, and materials to build a fire pit, and certain books that are required by such beliefs, and further complained that the defendants should be enjoined from retaliating against him by transferring him to another institution;

(4) DENIES without prejudice Allen's requests for an evidentiary hearing (Doc. 20 (Motion for Evidentiary Hearing));³

(5) DENIES Allen's request to amend (Doc. 51 (Amendment)), but advises Allen that he may file a pleading in the manner and as directed by Magistrate Judge Argo in the Report and Recommendation;


²Although Doc. 37 was entered as a motion on the docket by the Clerk of the Court, it was instead a paper submitted as a supplemental exhibit to Allen's requests for a temporary restraining order and preliminary injunction.

³Allen's request for an evidentiary hearing in Doc. 16 is also DENIED as are all other requests for an evidentiary hearing submitted prior to April 22, 2010.

(6) DENIES as moot Allen's submissions wherein he has sought either judgment or an order on his requests for temporary restraining orders and injunctive relief (Doc. 60 (Emergency Request for Judgment), Doc. 65 (Request for Judgment) and Doc. 70 (Request for Order of TROs)); and

(7) RE-REFERS this matter to Magistrate Judge Argo for further proceedings.

ENTERED this 27th day of July, 2010.


LEE R. WEST
UNITED STATES DISTRICT JUDGE